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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/27/2011	.	
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The Committee on Budget (Richter) recommended the following:

Senate Amendment (with title amendment)

Between lines 1083 and 1084
insert:

Section 14. Section 443.17161, Florida Statutes, is created
to read:

443.17161 Authorized electronic access to employer
information.-

(1) Notwithstanding any other provision of this chapter,
the Agency for Workforce Innovation shall contract with one or
more consumer-reporting agencies to provide users with secured
electronic access to employer-provided information relating to
the quarterly wages report submitted in accordance with the



14 state's unemployment compensation law. The access is limited to
15 the wage reports for the appropriate amount of time for the
16 purpose the information is requested.

17 (2) Users must obtain consent in writing or by electronic
18 signature from an applicant for credit, employment, or other
19 permitted purposes. Any written or electronic signature consent
20 from an applicant must be signed and must include the following:

21 (a) Specific notice that information concerning the
22 applicant's wage and employment history will be released to a
23 consumer-reporting agency;

24 (b) Notice that the release is made for the sole purpose of
25 reviewing the specific application for credit, employment, or
26 other permitted purpose made by the applicant;

27 (c) Notice that the files of the Agency for Workforce
28 Innovation or its tax collection service provider containing
29 information concerning wage and employment history which is
30 submitted by the applicant or his or her employers may be
31 accessed; and

32 (d) A listing of the parties authorized to receive the
33 released information.

34 (3) Consumer-reporting agencies and users accessing
35 information under this section must safeguard the
36 confidentiality of the information. A consumer-reporting agency
37 or user may use the information only to support a single
38 transaction for the user to satisfy its standard underwriting or
39 eligibility requirements or for those requirements imposed upon
40 the user, and to satisfy the user's obligations under applicable
41 state or federal laws, rules, or regulations.

42 (4) If a consumer-reporting agency or user violates this



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43 section, the Agency for Workforce Innovation shall, upon 30 days
44 written notice to the consumer-reporting agency, terminate the
45 contract established between the Agency for Workforce Innovation
46 and the consumer-reporting agency or require the consumer-
47 reporting agency to terminate the contract established between
48 the consumer-reporting agency and the user under this section.

49 (5) The Agency for Workforce Innovation shall establish
50 minimum audit, security, net-worth, and liability-insurance
51 standards, technical requirements, and any other terms and
52 conditions considered necessary in the discretion of the state
53 agency to safeguard the confidentiality of the information
54 released under this section and to otherwise serve the public
55 interest. The Agency for Workforce Innovation shall also
56 include, in coordination with any necessary state agencies,
57 necessary audit procedures to ensure that these rules are
58 followed.

59 (6) In contracting with one or more consumer-reporting
60 agencies under this section, any revenues generated by the
61 contract must be used to pay the entire cost of providing access
62 to the information. Further, in accordance with federal
63 regulations, any additional revenues generated by the Agency for
64 Workforce Innovation or the state under this section must be
65 paid into the Administrative Trust Fund of the Agency for
66 Workforce Innovation for the administration of the unemployment
67 compensation system or be used as program income.

68 (7) The Agency for Workforce Innovation may not provide
69 wage and employment history information to any consumer-
70 reporting agency before the consumer-reporting agency or
71 agencies under contract with the Agency for Workforce Innovation



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72 pay all development and other startup costs incurred by the
73 state in connection with the design, installation, and
74 administration of technological systems and procedures for the
75 electronic-access program.

76 (8) The release of any information under this section must
77 be for a purpose authorized by and in the manner permitted by
78 the United States Department of Labor and any subsequent rules
79 or regulations adopted by that department.

80 (9) As used in this section, the term:

81 (a) "Consumer-reporting agency" has the same meaning as
82 that set forth in the Federal Fair Credit Reporting Act, 15
83 U.S.C. s. 1681a.

84 (b) "Creditor" has the same meaning as that set forth in
85 the Federal Fair Debt Collection Practices Act, 15 U.S.C. ss.
86 1692 et seq.

87 (c) "User" means a creditor, employer, or other entity with
88 a permissible purpose that is allowed under the Federal Fair
89 Credit Reporting Act, 15 U.S.C. ss. 1681 et seq. to access the
90 data contained in the wage reports though a consumer-reporting
91 agency.

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete line 58

96 and insert:

97 rebuttable presumption; creating s. 443.17161, F.S.;

98 requiring the Agency for Workforce Innovation to

99 contract with one or more consumer-reporting agencies

100 to provide creditors, employers, and other entities



101 with a permissible purpose with secured electronic
102 access to employer-provided information relating to
103 the quarterly wages reports; providing conditions;
104 requiring consent from the applicant for credit,
105 employment, or other permitted purpose; prescribing
106 information that must be included in the written
107 consent; providing for confidentiality; limiting use
108 of the information released; providing for termination
109 of contracts under certain circumstances; requiring
110 the agency to establish minimum audit, security, net
111 worth, and liability insurance standards and other
112 requirements it considers necessary; providing that
113 any revenues generated from a contract with a consumer
114 reporting agency must be used to pay the entire cost
115 of providing access to the information; providing that
116 any additional revenues generated must be paid into
117 the Administrative Trust Fund of the Agency for
118 Workforce Innovation or used for program purposes;
119 providing restrictions on the release of information
120 under the act; defining the terms "consumer-reporting
121 agency," "creditor," and "user"; providing that the
122 act